IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

OP.No. 3516 of 2000(R)

PETITIONER:

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1. N.C. PURAVATH,
HEADMASTER, GOVT. U.P. SCHOOL,
MANJERI P.O., MALAPPURAM DISTRICT.

2. T. KRISHNAN, HEADMASTER, G.M.L.P. SCHOOL,
IRUMBUZHI P.O.,
IRUMBUZHI, MALAPPURAM DIST.

3. K.V. SCARIA, HEADMASTER, GUP SCHOOL,
ANAKKAYAM, P.O. ANAKKAYAM,
MALAPURAM DIST.

4. K. ACHUNNI, HEADMASTER, GLPS, KADAVANAD,
P.O. KADAVANAD, PONNANI,
MALAPPURAM DIST.

5. M. VIJAYARAGHAVAN, HEADMASTER, GLPS PADINHATTUMMUN,
P.O. PADINHATTUMMUN.

6. K.P. ABDUL GAFOOR, HEADMASTER, GOVT. U.P. SCHOOL,
TIRUR.

BY ADV. SRI.J.JULIAN XAVIER
SRI.RAJESH THOMAS

RESPONDENT:

STATE OF KERALA, REPRSENTED BY ITS SECRETARY,
GENERAL EDUCATION DEPARTMENT, GOVT. OF KERALA,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT. M.R. SREELATHA.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02 /11 /2007,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO.3516 OF 2000

ORDER ON C.M.P.NO.5716 OF 2000 IN O.P.NO.3516 OF 2000
DISMISSED

02.11.2007 SD/- S.SIRI JAGAN, JUDGE.

APPENDIX

EXT.P1: TRUE COPY OF REPRESENTATION DTD 22.12.98 FILED BY THE 1ST PETITIONER.

EXT.P2: TRUE COPY OF THE REPRSENTATION DTD 22.12.98 FILED BY THE 2ND PETITIONER.

EXT.P3: COPY OF REPRESENTATION DTD 22.12.98 FILED BY THE 3RD PETITIONER.

EXT.P4: COPY OF REPRESENTATION DTD 22.12.98 FILED BY THE 4TH PETITIONER.

EXT.P5: COPY OF REPRESENTATION DTD 22.12.98 FILED BY THE 5TH PETITIONER.

EXT.P6: COPY OF REPRESENTATION DTD 22.12.98 FILED BY THE 6TH PETITIONER.

EXT.P7: COPY OF ONE SUCH INDIVIDUAL IMPLEMENTATION OF THIS HON'BLE COURT DIRECTION.

EXT.P8: COPY OF THE ORDER DATED 27.10.99 REJECTING THE REPRESENTATIONS OF THE PETITIONER.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

O.P.No. 3516 OF 2000

Dated this the 2nd day of November, 2007

JUDGMENT

The petitioners are primary School Headmasters in Government service who were promoted as Headmasters prior to 1988. Their contention is that they are entitled to scale of pay attached to the post of Headmaster from the date of their appointment in view of Ext.P7 Government order which has been issued pursuant to the decision in **Indira. M. Vs. State of Kreala (ILR 1988 (2) Kerala 771)** . However, the petitioners were denied that benefit by Ext.P8. The petitioners are challenging Ext.P8 order in this original petition.

2. The petitioners rely on my decision in O.P. No. 16389 of 1996 which in turn was decided on the basis of decision in O.P. No.13886 of 1996. The learned Government pleader submits that those decisions are in respect of higher grade applicable to Headmaster and cannot be applied to sanction of Headmaster's scale to Government School teachers. She would contend that the Full Bench decision applies only to aided school teachers and

not to Government school teachers. The contention is that as far as the Government school Headmasters are concerned, they are covered by the Government orders issued from time to time and they are entitled to Headmaster's scale only in accordance with those Government orders.

3. However, I find that in the decisions in O.P.Nos. 13886 of 1996 and O.P.No.16389 of 1996 this Court was dealing with the claim of Government Primary School Headmasters. Although the question involved in that case was in respect of higher grade, that claim itself was based on the decision of the Full Bench referred to supra which dealt with grant of Headmaster's scale. That would show that the ratio of the Full Bench decision was accepted as applicable to Government school Headmasters also. That being so, I am bound to follow those decisions in this case also. Accordingly, following the said decisions I quash Ext.P8 and direct the respondent to give the petitioners, scale of pay attached to the post of Headmaster from the date of their appointment as Headmasters. Orders in this regard shall be passed within one

month from the date of receipt of a copy of this judgment.

The original petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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